

September 16, 1996

NATIONAL ASSOCIATION OF CONVENIENCE STORES (NACS)**KEY FDA TOBACCO RULES AFFECTING RETAILERS****Rules Effective February 28, 1997**

- **Minimum Sales Age.** Retailers may not sell cigarettes or smokeless tobacco to anyone under 18 years of age. [§ 897.14(a)]
- **Proof of Age.** Retailers must verify by photo ID that any person purchasing cigarettes or smokeless tobacco is at least 18 years of age. Customers over 26 years of age do not need to be asked to verify age. Age does not need to be verified in facilities that are off-limits to persons under 18 years of age. [§ 897.14(b)]

Rules Effective August 28, 1997

- **Self-Service Display Ban.** Retailers may not offer cigarettes and smokeless tobacco from self-service displays, except in facilities where persons under 18 years of age (including employees) are not permitted. [§§ 897.14(c) & 897.16(c)]
- **Vending Machine Ban.** Retailers may not sell cigarettes or smokeless tobacco from vending machines, except in facilities where persons under 18 years of age (including employees) are not permitted. [§§ 897.14(c) & 897.16(c)]
- **No Breaking Packs.** Retailers may sell cigarettes only in unopened packages containing at least 20 cigarettes or in cartons. Retailers may sell smokeless tobacco only as packaged by the manufacturer. [§ 897.14(d)]
- **Mail-Order Sales.** Retailers may fill mail-order requests, but may not redeem coupons sent by mail. [§ 897.16(c)]
- **Exterior Signage.** Retailers within 1000 feet of a playground or school may not display exterior or outdoor advertising for cigarettes or smokeless tobacco. [§ 897.30(b)]
- **Interior Signage.** Retailers must ensure that all point-of-sales advertising for cigarettes or smokeless tobacco (including advertising on functional items such as clocks, door decals, change trays, and shopping carts) is in a "tombstone" format (black text on a white background), except in facilities where persons under 18 years of age (including employees) are not permitted. [§ 897.32(a)] For "adult-only" facilities, any interior signage that is visible from the outside must be in "tombstone" format and attached to an interior wall or fixture. [§ 897.32(a)]
- **Established Name/Intended Use Statement.** Each advertisement for cigarettes or smokeless tobacco must carry the product's "established name" and "intended use." [§ 897.32(c)]
- **No Branded Merchandise.** The retailer may not sell or give away non-tobacco merchandise bearing a cigarette or smokeless tobacco brand name or logo. [§§ 897.14(c) & 897.34(a)]
- **No Free Samples.** Coupon redemption is permitted in face-to-face transactions, but retailers may not give cigarettes or smokeless tobacco away as free samples. [§ 897.16(d)]
- **Non-Complying Functional Items.** Beginning August 28, 1997, retailers may not use display racks, counter mats, change trays, shopping baskets, door decals, clocks, or any other items that bear a cigarette or smokeless tobacco brand name or logo, unless (1) the retailer covers up the brand name or logo, or (2) the advertisement appears in "tombstone" format.
- **FDA Approval of Unlisted Advertising Media.** Retailers who wish to use advertising that is not in a medium listed in section 897.30(a)(1) of the rule must notify the FDA 30 days in advance of the use. The notice must include information about the extent to which the advertising may be seen by people under age 18. [§ 897.30(a)(2)]

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